

REMARKS

INTRODUCTORY REMARKS

Initially, Applicants wish to thank the Examiner for the detailed Official Action of September 12, 2007. Upon entry of the present reply, claims 1, 6, 12, 17 and 20 will have been amended. Applicants submit that the pending claims are in condition for allowance.

SUMMARY OF THE OFFICE ACTION

In the above-referenced Official Action, the Examiner has rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over KAPLAN (U.S. Patent No. 5,884,193) in view of KRAMER (Convergence Communications, March 6, 2001). Also, in the same Official Action, the Examiner has rejected claims 2-22 U.S.C. §103(a) as being unpatentable over KAPLAN in view of KRAMER and further in view of GOTTLIEB et al. (U.S. Patent No. 5,892,822). Applicants traverse these rejections.

THE KAPLAN PATENT

KAPLAN discloses a cell phone having a keypad that is operated by the user to generate keypad data indicative of a destination telephone number. For the convenience of the Examiner, the cell phone of Fig. 1 of KAPLAN is reproduced below:

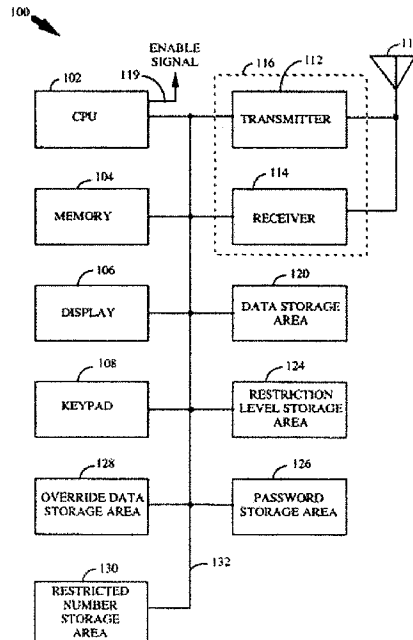


FIG. 1

In Fig. 1, the cell phone is depicted as having storage areas 120, 124, 126, 128 and 130 for storing data including data related to the calling plan and data indicative of call restrictions that may apply to the destination telephone number. The call restriction storage area 130 is used to store user-selectable call restriction data. A processor 102 accepts and uses data from keypad 108 to access the data storage areas 120, 124, 126, 128 and 130. The processor 102 compares data indicative of call restrictions that may apply to the destination telephone number with the user-selectable call restriction data to determine if any user-selectable call restrictions apply to the destination telephone number. The processor 102 sets an enable signal to an enabled state if no call restrictions apply to the destination telephone number and sets the enable signal to a disabled state if call restrictions do apply to the destination telephone number. (See, also the Abstract of KAPLAN.) There is no disclosure in KAPLAN of the claimed customized routing service or the storing of routing instructions in a database.

KRAMER

KRAMER discloses a call accounting system which includes a database application that processes call data from a switch (PBX, IPBX or key system) via a CDR (call detail record) or SMDR (station message detail record) port. The call data record details the system's incoming and outgoing calls by thresholds, including time of call, duration of call, dialing extension, and number detailed. Call data is stored in a PC database or temporarily in a buffer box (a solid-state device that stores data until polled at intervals, thus alleviating the PC's hard-drive space from data flood). (See, page 1 of KRAMER). KRAMER does not disclose a customized routing service, and the database of KRAMER is used for storing accounting data, not routing instructions as claimed by Applicants.

THE COMBINATION OF KAPLAN AND KRAMER DOES NOT TEACH ALL THE CLAIM ELEMENTS OF INDEPENDENT CLAIMS 1, 12 AND 17

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over KAPLAN in view of KRAMER. In order to establish a *prima facie* case of obviousness, a rejection made under 35 U.S.C. § 103 must meet three basic criteria. First, there must be some suggestion or reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not

based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that KAPLAN and KRAMER fail to teach all the claim limitations of independent claims of claims 1, 12 and 17, at least because both references fail to teach, show or suggest the customized routing service platform that includes a database server that stores the routing instructions received from the web server and determines the destination number based on the stored routing instructions. For this reason alone, claims 1-22 cannot be unpatentable over KAPLAN in view of KRAMER, because of the missing claim limitations of amended independent claims 1, 12 and 17 relating to the claimed customized routing service platform. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over KAPLAN in view of KRAMER.

THERE IS NO REASON TO COMBINE THE KAPLAN AND KRAMER REFERENCES

Even assuming for the purposes of argument that KAPLAN and KRAMER disclose all the claim elements, which they do not, it is respectfully submitted that the KAPLAN and KRAMER references taken alone or as a whole do not even recognize the problem solved by the Applicants' claimed invention, and that one skilled in the art would not combine the teachings of KAPLAN and KRAMER in order to solve the unrecognized problem. The Applicants' claimed invention solves the problem of routing international calls to a toll-free number of a customer in accordance with a customized routing service. Neither KAPLAN nor KRAMER described a customized routing

service for international calls. At best KAPLAN describes a method for restricting calls made by a cell phone. (Col. 1, lines 6-11).

If the skilled artisan was to follow the teachings of the KAPLAN and KRAMER references, the resulting combination would not be the Applicants' claimed invention as defined in independent claims 1, 12 and 17. For example, KAPLAN is directed to a wireless device 100 that compares call restrictions to user-selectable call restrictions. (See, the Abstract of KAPLAN). KRAMER is directed to a call accounting system that allows a customer to manage call data with a PC database. (See pages 1 and 2 of KRAMER). If the skilled artisan was to combine KAPLAN and KRAMER the resulting combination would be a wireless device that is managed by the PC database of KRAMER. The resulting combination of KAPLAN and KRAMER, therefore, is not the Applicants' claimed invention as defined in claims 1, 12 and 17.

It is respectfully submitted that the only reason to combine KAPLAN and KRAMER in the ways suggested in the Official Action is gleaned from the hindsight provide by Applicants' specification which teaches the desirability of claimed combination of features. Applicant believes that the Office Action is based upon a selective combination of features found in KAPLAN and KRAMER, and that such selective combining is impermissible. As stated in *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985), "When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." As further stated in *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999), "A mere

recitation of the elements of an invention, combined by using the inventor's own disclosure as a roadmap, cannot make such an invention obvious."

Accordingly, Applicants respectfully submit that all the independent claims 1, 12 and 17 are additionally patentable over the cited prior art, because without the Applicants' own disclosure, there is no reason to combine the cited references as described in the Official Action.

GOTTLIEB ET AL.

GOTTLIEB et al. makes no disclosures that cure the deficiencies noted in KAPLAN and KRAMER. GOTTLIEB et al. disclose a method of and system for routing switched termination telephone calls in accordance with international routing requirements. (See, Abstract). Claim 2 of GOTTLIEB et al. specifically recites "a database of regulatory routing requirements, said database including routing requirements for calls from originating countries to terminating countries." There is, however, no disclosure of Applicants' claimed customized routing service and the database having the claimed routing instructions for international call to toll-free numbers. Accordingly, Applicants submit that claims 2-22 are patentable over the combination of KAPLAN in view of KRAMER and further in view of GOTTLIEB et al.

DEPENDENT CLAIMS 2-11, 13-16 AND 18-22

With respect to dependent claims 2-11, 13-16 and 18-22, Applicants also assert that the dependent claims are allowable because they depend, directly or indirectly, from claims 1, 12 and 17, respectively, which Applicants submit have been shown to be

allowable. Applicants further submit that allowance of dependent claims 2-11, 13-16 and 18-22 is deemed proper for at least the same reasons noted with respect to the independent claims upon which they depend, in addition to reasons related to their own recitations.

CONCLUSION

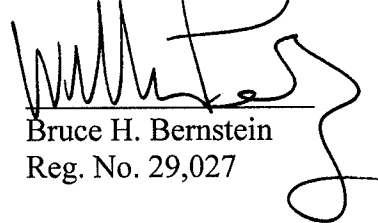
In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of September 12, 2007, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any extension of time is deemed to be necessary to maintain the pendency of the application, including any extension of time fees for entry of an Examiner's Amendment, the Patent and Trademark Office is hereby requested and authorization is hereby provided to charge any necessary fees to maintain the pendency of this application to Deposit Account No. 19-0089.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
William H. ALLEN et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', written over a horizontal line.

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